

Marc V. Kalagian  
Attorney at Law: 4460  
Law Offices of Rohlfing & Kalagian, LLP  
211 East Ocean Boulevard, Suite 420  
Long Beach, CA 90802  
Tel.: (562) 437-7006  
Fax: (562) 432-2935  
E-mail: marc.kalagian@rksslaw.com

Leonard Stone  
Attorney at Law: 5791  
Shook & Stone  
710 South 4th Street  
Las Vegas, NV 89101  
Tel.: (702) 385-2220  
Fax: (702) 384-0394  
E-mail: CBrown@shookandstone.com

Attorneys for Plaintiff  
Michael Earl Lowe

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

MICHAEL EARL LOWE,	)	Case No.: 2:21-cv-00605-EJY
	)	
Plaintiff,	)	STIPULATION AND <del>PROPOSED</del>
	)	ORDER FOR THE AWARD AND
vs.	)	PAYMENT OF ATTORNEY FEES
	)	AND EXPENSES PURSUANT TO
KILOLO KIJAKAZI,	)	THE EQUAL ACCESS TO JUSTICE
Acting Commissioner of Social	)	ACT, 28 U.S.C. § 2412(d)
Security,	)	
	)	
Defendant.	)	

TO THE HONORABLE ELAYNA J. YOUCHAH, MAGISTRATE JUDGE  
OF THE DISTRICT COURT:

IT IS HEREBY STIPULATED, by and between the parties through their  
undersigned counsel, subject to the approval of the Court, that Michael Earl Lowe

1 be awarded attorney fees in the amount of One Thousand, Three Hundred dollars  
2 (\$1,300.00) and expenses in the amount of zero dollars (\$0.00) under the Equal  
3 Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and costs in the amount of  
4 zero dollars (\$0.00) under 28 U.S.C. § 1920. This amount represents  
5 compensation for all legal services rendered on behalf of Plaintiff by counsel in  
6 connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

7 After the Court issues an order for EAJA fees to Michael Earl Lowe, the  
8 government will consider the matter of Michael Earl Lowe's assignment of EAJA  
9 fees to Marc Kalagian. The retainer agreement containing the assignment is  
10 attached as exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010),  
11 the ability to honor the assignment will depend on whether the fees are subject to  
12 any offset allowed under the United States Department of the Treasury's Offset  
13 Program. After the order for EAJA fees is entered, the government will determine  
14 whether they are subject to any offset.

15 Fees shall be made payable to Michael Earl Lowe, but if the Department of  
16 the Treasury determines that Michael Earl Lowe does not owe a federal debt, then  
17 the government shall cause the payment of fees and expenses to be made directly  
18 to Law Offices of Rohlfing & Kalagian, pursuant to the assignment executed by  
19 Michael Earl Lowe.<sup>1</sup> Any payments made shall be delivered to Marc Kalagian.

20 This stipulation constitutes a compromise settlement of Michael Earl  
21 Lowe's request for EAJA attorney fees, and does not constitute an admission of  
22 liability on the part of Defendant under the EAJA or otherwise. Payment of the  
23 agreed amount shall constitute a complete release from, and bar to, any and all  
24

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25 <sup>1</sup> The parties do not stipulate whether counsel for the plaintiff has a cognizable lien  
26 under federal law against the recovery of EAJA fees that survives the Treasury  
Offset Program.

claims that Michael Earl Lowe and/or Marc Kalagian including Law Offices of Rohlring & Kalagian may have relating to EAJA attorney fees in connection with this action.

This award is without prejudice to the rights of Marc Kalagian and/or the Law Offices of Rohlring & Kalagian to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

DATE: November 23, 2021 Respectfully submitted,

LAW OFFICES OF ROHLRING & KALAGIAN, LLP

*/s/ Marc V. Kalagian*

BY:

Marc V. Kalagian  
Attorney for plaintiff  
MICHAEL EARL LOWE

DATED: November 23, 2021 CHRISTOPHER CHIOU  
Acting United States Attorney

*/s/ Allison J. Cheung*

ALLISON J. CHEUNG  
Special Assistant United States Attorney  
Attorneys for Defendant  
KILOLO KIJAKAZI, Acting Commissioner of  
Social Security (Per e-mail authorization)

### ORDER

Approved and so ordered:

DATE: November 24, 2021

  
THE HONORABLE ELAYNA J. YOUCHAH  
UNITED STATES Magistrate JUDGE